INTERVIEW SUMMARY

Applicants' representative, Tadd Wilson, would like to thank Examiners Lindsay Maguire and Kambiz Abdi for their time and insight during a telephone interview held on June 11, 2009 at 11:00 a.m. MDT. During the interview, the participants discussed the interpretation of terms in the claims and the differences between the cited art and the claims. Suggested amendments were proposed and are as shown in the attached claims.

REMARKS/ARGUMENTS

Status of the Claims

Claims 1-22 and 24-27 were previously pending in the application. Claims 1, 14, and 22 have been amended. No claims have been added or cancelled. Therefore, claims 1-22 and 24-27 are present for examination. Claims 1, 14, and 22 are independent claims.

Rejection Under 35 U.S.C. § 103

Claims 1-22 and 24-27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,699,528 issued to Hogan ("**Hogan**") in view of www.tomsown.com/htmlsnippet.html ("**Tomsown**"). The Patent Office is charged with putting forth a *prima facie* showing of obviousness. Applicants believe a *prima facie* case of obviousness has not been properly set forth in the Office Action.

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, *the prior art reference (or references when combined) must teach or suggest all the claim limitations.* MPEP §2142, Original Eighth Edition, August, 2001, Latest Revision August 2006 (*emphasis added*).

Appellant believes the rejection has flaws with the above test for obviousness. Notably, the combination of Hogan and Tomsown fails to teach each and every aspect of the amended claims.

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Embodiments presented in the Application generally relate to online money transfers between buyers and sellers that use vending sites to buy or sell goods and services. "The present invention facilitates online money transfers between payors and payees that use vending sites." Application, p. 2, lines 30-31. Vending sites facilitate person-to-person sales and can be auction sites or classified advertising sites. See Application, p. 2, lines 31-32. To purchase a good or service, the buyer selects listings provided by the vending site. See Application, p.3, lines 15-17 ("The sender 110 points their browser to the vending site 140 to choose a purchase listing associated with the receiver 130."). The listings can be auctions or classified advertisements. See Application, p. 3, lines 17-18. "Goods or services offered in a listing can be paid for using the payment enabler 170." Application, p. 2, lines 18-19. A buyer relies on the payment enabler to allow the money transfer in the person-to-person sale. Id., p. 2, line 32-p. 3, line 2; see also p. 3, lines 23-33. The payment enabler and the vending site are separate. See Application, p. 3, lines 19-21. Thus, the vending site, in embodiments, is a web site that lists one or more seller's offer(s) for the sale of goods and/or services that can be purchased by a buyer.

To enable the payment process with the payment enabler, a snippet, which may have a link and a button associated therewith, is pasted into the vendor site. Id., Fig. 5, step 532; see also p. 9, lines 15-19 and p. 9, line 30-p. 10, line 8. The button associated with the snippet changes when the buyer can make a payment. See id., p. 13, lines 1-9. The buyer can then select the button, and the link associated with the button, to be directed to the payment enabler. Id., Fig. 6, step 624, see also p. 13, lines 31-32. The payment enabler then helps transfer money from the buyer to the seller associated with the sale on the vendor site. Id., Fig. 6, step 644.

Claim 1:

Applicant respectfully asserts that Hogan and Tomsown, either alone or in combination, does not teach or suggest one or more claim elements. More specifically, the combination of Hogan and Tomsown fails to teach or suggest "a vending site," and, more particularly, a vending site that is either an auction site or a classified advertisement site in which the vending site contains listings for the sale of goods and/or services that are auctions, electronic advertisements, or classified advertisements. As such, the combination of Hogan and Tomsown

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fails to teach or suggest the following elements of independent claim 1: "receiving login information relevant to a vending site, wherein the login information is associated with the seller, wherein the vending site facilitates person-to-person sales, wherein the vending site is one of an auction site or a classified advertising site," "automatically determining listings at the vending site associated with the seller, wherein the listings offer goods or services for sale, wherein the listings are one of auctions or classified advertisements," "wherein the vending site is separate from the payment enabler," or "automatically inserting one of the plurality of snippets into each of the listings." For at least these reasons, Applicants respectfully request reconsideration of the rejection to the claims.

Missing Limitation: "receiving login information relevant to a vending site, wherein the login information is associated with the seller, wherein the vending site facilitates person-to-person sales, wherein the vending site is one of an auction site or a classified advertising site"

Claim 1 requires "receiving login information relevant to a vending site, wherein the login information is associated with the seller, wherein the vending site facilitates person-to-person sales, wherein the vending site is one of an auction site or a classified advertising site." Vending sites include on-line sites that facilitate person-to-person sales, such as online auction sites or classified advertising sites. Application, p. 2, lines 31-32. Hogan is cited for this proposition on page 3 of the Office Action by simply listing reference (305) as including information about the vending site. Office Action, page 2. First, and most notably, Hogan describes a bill payment server and not a vending site. See Hogan, col. 5, lines 6-9. Step (305) is an action by a "subscriber" to enter his or her identification into a server computer. See Hogan, col. 5, line 63 -- col. 6, line 1. A "subscriber," in Hogan, subscribes to a bill payment server. See id., col. 4, lines 22-25. The subscribers "are able to access and 'browse' their bills on WWW, and pay the bills using one or more accounts . . ." id., col. 5, lines 1-6. Neither a bill payment server nor a subscriber can be considered equivalent of a vending site because neither the bill payment server nor the subscriber offers goods and services for sale as part of an auction or as a classified advertisement. Indeed, the bill payment server may help pay for a good or service, but in no way does the bill payment server list sellers' offers for goods or services to potential buyers.

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Indeed, Hogan describes three entities: a subscriber, a payee (100), an electronic bill pay service (160) and a payee (107). See Hogan, Fig. 1 and col. 4, lines 22-67. Hogan does not teach, as shown in Fig. 1 of the Application, all of a buyer, a seller, a vending site, and a money transfer system. Hogan is missing any description of a vending site. Thus, the login information described in Hogan cannot be related to a vending site.

Tomsown also does not include a description of a vending site. As such, the combination of Hogan and Tomsown fails to teach this claim limitation.

Missing Limitation: *"automatically determining listings at the vending site associated with the seller, wherein the listings offer goods or services for sale, wherein the listings are one of auctions or classified advertisements"*

Claim 1 also requires "automatically determining listings at the vending site associated with the seller, wherein the listings offer goods or services for sale, wherein the listings are one of auctions or classified advertisements." Listings are offers for the sale of goods or services from a seller to a buyer. See Application, p. 2, lines 18-19. Listing could be classified advertisements, electronic advertisements, or auctions. See Application, p. 3, lines 17-18. Hogan is cited for this proposition on page 3 of the Office Action by simply listing references (314) and (385) as determining listings at the vending site. Office Action, page 2. Step (314) is an action to monitor an "Update Electronic Account Register" choice or a "Select New Payees" choice when selected. See Hogan, col. 7, lines 37-62. Step (385) retrieves "available checking and credit account balances from the identified subscriber bank(s) . . ." Hogan, col. 7, lines 28-30. These steps fail to describe determining listings, wherein the listings offer goods or services for sale in an auction, an electronic advertisement, or a classified advertisement. Indeed, Hogan wholly fails to describe the sale of goods or services, much less listings on a vending site for the sale of goods or sales. For example, Hogan would fail to teach determining auctions at an online auction site.

Tomsown also does not include a description of a vending site or listings at the vending site. As such, the combination of Hogan and Tomsown fails to teach this claim limitation.

Missing Limitation: "wherein the vending site is separate from the payment enabler"

Claim 1 also requires "wherein the vending site is separate from the payment enabler." All of the components described in Hogan are part of a single, co-located system. See Hogan, col. 4, lines 53-59 and Fig. 1. Hogan does not describe separate components. As such, Hogan cannot teach a wherein the vending site is separate from the payment enabler. Tomsown plainly does not teach these separate components. Therefore, the combination of Hogan and Tomsown fails to teach this claim limitation.

Missing Limitation: "automatically inserting one of the plurality of snippets into each of the listings"

Claim 1 also requires "automatically inserting one of the plurality of snippets into each of the listings." Hogan is cited for this proposition on page 5 of the Office Action by simply listing Figure 4 as inserting snippets into each of the listings. Office Action, page 5, first and second sentences. Figure 4 "is a display of a bill to be paid by a user . . ." Hogan, col. 3, lines 15-16. Figure 4 does not display a vending site listing for the sale of a good or service – Hogan describes bills. As such, Hogan cannot teach automatically inserting snippets into listings because the listings are on the vending site, which Hogan does not teach.

Tomsown provides an example of HTML code to place an email address with a GIF file into a web page but fails to teach inserting an HTML snippet *into a listing of a vending site.* Therefore, the combination of Hogan and Tomsown fails to teach this claim limitation.

No Reasonable Expectation of Success

The combination of Hogan and Tomsown could not be combined because the combination would fail to achieve the functions recited in the claims. Claim 1 requires "automatically inserting one of the plurality of snippets into each of the listings, wherein activating the link points a web browser to a payment enabler that can transfer money from the buyer to the seller, wherein the vending site is separate from the payment enabler." As the Examiner admits, Hogan does not describe HTML snippets. See Office Action, page 5.

The snippet described in Tomsown does not point to a payment enabler but to an email address. Thus, adding the snippet in Tomsown to Hogan does not accomplish the asserted

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claim element, notably "activating the link points a web browser to a payment enabler." Thus, the combination of Tomsown and Hogan has no expectation of success and fails to provide a *prima facie* case for obviousness.

The Examiner appears to have failed to address Applicant's arguments regarding expectation of success. The Applicants are not arguing whether there is a motivation to combine but whether the system created with the combined references could actually accomplish the actions described in the claims. Applicants respectfully assert that there is no reasonable expectation that the combination of Hogan and Tomsown would succeed in performing the functions recited in the claims.

Claims 2-13:

Claims 2-13 all depend from allowable independent claim 1. Thus, claims 2-13 are all allowable over the cited prior art due, at least, to this dependence.

Claim 14:

Independent claim 14 includes a similar claim element as claim 1. Notably, claim 26 recites *"receiving login information relevant to a vending site, wherein the login information is associated with the seller, wherein the vending site facilitates person-to-person sales, wherein the vending site is one of an auction site or a classified advertising site," "determining a listing at the vending site associated with the seller, wherein the listings offer goods or services for sale, wherein the listings are one of auctions, electronic advertisements, or classified advertisements,"* and *"generating a snippet of code for the listing, wherein: the snippet includes a link that addresses a payment enabler, wherein the vending site is separate from the payment enabler, and the snippet indicates an information unique to the seller and the listing including the snippet."* Thus, for reasons similar to those mentioned with regard to claim 1, claim 14 is also allowable over the cited prior art.

Claims 15-21:

Claims 15-21 all depend from allowable independent claim 14. Thus, claims 15-21 are all allowable over the cited prior art due, at least, to this dependence.

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Claim 22:

Independent claim 14 includes a similar claim element as claim 1. Notably, claim 22 recites *"receiving login information relevant to a vending site, wherein the login information is associated with the seller, wherein the vending site facilitates person-to-person sales, wherein the vending site is one of an auction site or a classified advertising site," "determining a listing at the vending site associated with the seller, wherein the listings offer goods or services for sale, wherein the listings are one of auctions, electronic advertisements, or classified advertisements," "generating a snippet of code for the listing, wherein the snippet comprises: a link that points to a payment enabler, and a message formulated by the seller for display to the buyer, wherein the vending site is separate from the payment enabler,"* and *"inserting the snippet into the listing."* Thus, for reasons similar to those mentioned with regard to claim 1, claim 22 is also allowable over the cited prior art.

Claims 24-27:

Claims 24-27 all depend from allowable independent claim 22. Thus, claims 24-27 are all allowable over the cited prior art due, at least, to this dependence.

Requirement for Information Under 37 CFR § 1.105

In response to the Examiner's inquiry, many of the references cited were cited in related applications. The other references were discovered during a due diligence search or are from other research completed by the assignee or its predecessors, and those references generally relate to the business of the assignee. In an overabundance of caution, the references were provided in compliance with the Federal Circuit's decision in McKesson Information Solutions, Inc. v. Bridge Medical, Inc., 487 F.3d 897 (Fed. Cir. 2007) because those references may be material to the present application. However, the Applicants do not make any assertion as to the materiality of the disclosed information. Rather, the references were provided to fully comply with 37 C.F.R. § 56.

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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested. Applicants do not acquiesce to any arguments not specifically addressed herein. Rather, Applicants believe the amendments and arguments presented herein overcome all rejections.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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